

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

NORA CANDELARIA,

Plaintiff,

v.

No. 17-cv-0404 KG/SMV

HEALTH CARE SERVICE CORPORATION,

Defendant.

THIRD ORDER TO SHOW CAUSE

THIS MATTER is before the Court sua sponte. Plaintiff filed her Complaint on April 3, 2017, asserting a collective action under the Fair Labor Standards Act and a class action under New Mexico's minimum wage law. [Doc. 1]. Despite a deadline (and *nine* extensions)¹ by which to file a motion for conditional certification of the collective, no motion has been filed. The most recent deadline was February 1, 2019. [Doc. 45] at 2. That date has come and gone, and nothing further has been filed on the record.

¹ The first deadline, August 14, 2017, was extended by the Court after resolving a dispute about whether discovery was permissible prior to conditional certification. [Doc. 7] at 4 (imposing the original deadline of August 14, 2017); [Doc. 20] (extending the deadline to no later than September 29, 2017). The extended deadline of September 29, 2017, was not met, and no extension was requested until after the deadline had expired. On telephonic notification by chambers staff to Plaintiff's counsel that the extended deadline had passed, the parties stipulated to another extension: October 20, 2017. [Doc. 28]. On October 20, 2017, the parties stipulated to a third extension: November 3, 2017. [Doc. 29]. The extended deadline of November 3, 2017, was not met, and the Court ordered Plaintiff to show cause why her claims should not be dismissed for lack of prosecution and for failure to comply with the Court's deadlines. [Doc. 30]. The parties stipulated to a fourth extension to January 15, 2018, [Doc. 34], and the Order to Show Cause was quashed, [Doc. 36]. The parties then stipulated to four more extensions. [Docs. 38, 39, 40, 42]. The extended deadline of September 1, 2018, was not met and the Court issued its second Order to Show Cause directing Plaintiff to show cause why her claims should not be dismissed for lack of prosecution and for failure to comply with the Court's deadlines. [Doc. 44]. The parties stipulated to a ninth extension to February 1, 2019, [Doc. 45], and the Second Order to Show Cause was quashed, [Doc. 46].

IT IS THEREFORE ORDERED that Plaintiff show cause no later than **March 8, 2019**, why her claims should not be dismissed for lack of prosecution and for failure to comply with the Court's deadlines. *See* Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge